



## CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)

ARNOLD SCHWARZENEGGER, Governor



### **SUMMARY MINUTES – OCTOBER 21, 2008**

**OPEN SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**MEMBERS PRESENT:**

**Sean Harrigan, President**  
**Richard Costigan, Vice President**  
**Patricia Clarey, Member**

**2. REPORT OF THE EXECUTIVE OFFICER**

- Suzanne M. Ambrose

- Vice President Costigan, Carol Ong and the Executive Officer met with Afzal Latif, a delegate who heads the HR function from Pakistan.
- The Workforce Planning Conference is taking place on November 5, 2008, at the Franchise Tax Board. DPA, HR MOD and SPB will be hosting the conference.
- SPB has received notice that it needs to come up with more General Fund savings (approximately 5%), and in the Spring of 2009 there may be another cut of an additional 3%-7%.
- On October 8<sup>th</sup>, the Executive Officer attended the L.A. City Expo for persons with disabilities. Mayor Villaraigosa was present and it was a very well attended event. SPB had a booth at the Expo along with other state agencies. DOR and SPB were at the Expo to partner with L.A. City to get more interest from people with disabilities to apply for state jobs.
- Jan Boel is our new Chief of Legislative and Public Affairs. She will begin working with SPB on November 1, 2008.
- SPB's Assistant Executive Officer, Mary Fernandez has been appointed by the Governor to CDCR as the Undersecretary of Administration.

**3. REPORT OF THE ACTING CHIEF COUNSEL**

- Bruce Monfross

- In the case of Eric v SPB and CDCR, staff has received a decision from the Sacramento County Superior Court sustaining the Board's decision denying Appellant's petition for writ of mandate. The court found that all the Board's findings, except for one, were supported by substantial evidence and that the Board did not abuse its discretion in sustaining the dismissal, despite the fact that Appellant had no prior history of discipline and had taken steps to curb his alcohol problem.
- In the case of Department of Corrections and Rehabilitation v SPB and Brown et al., the 3<sup>rd</sup> Appellant District issued a decision on October 8, 2008, which sustained the Board's decision that revoked the disciplinary actions taken against six Youth Correctional Officers

in Stockton. The San Joaquin County Superior Court had reversed the Board's decision; however the 3<sup>rd</sup> District Court of Appeal found that the Board's decision was supported by substantial evidence and that there was good evidence to support the actions of the Board.

- In the case of Plata v Schwarzenegger, on September 15, 2008, the Receiver's Office had filed a standard report wherein the Receiver had complained about several purported inefficiencies from Board staff in responding to CEA exemption requests, examinations, etc. Per the Board's instruction, SPB filed a response with the court concerning the matter on October 7, 2008, where SPB refuted the allegations. SPB staff has not yet received a response from the court.

**4. REPORT ON LEGISLATION**

- Carol Ong

- Agency has requested proposed legislation for next year, 2009. Staff developed concept proposals and will be discussing further with the Board in closed session.

**5. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR NOVEMBER 3, 2008, IN SACRAMENTO, CALIFORNIA.**

This Board meeting will start at 10:00 a.m. instead of 9:00 a.m.

**6. NEW BUSINESS**

NONE

**7. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

NONE

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**8. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matters submitted at prior hearing.  
[Government Code Sections 11126(c)(3), 18653(3)]

**9. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.

[Government Code sections 11126(c)(3), 18653]

**10. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.  
Sacramento Superior Court  
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.  
Sacramento Superior Court  
Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.  
Case No. C01-1351 TEH

Yvonne Walker, Service Employees International Union, Local 1000 v. Arnold Schwarzenegger, et al., Sacramento Superior Court Case No. 34-2008-40000001-CU-PT-GDS

**11. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the Legislature.  
[Government Code section 18653]

**12. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653]

**13. EMPLOYEE PERSONNEL MATTER**

Discussion concerning the appointment and employment of Chief Counsel candidates. [Government Code section 11126(a)(1)]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**BOARD ACTIONS:**

**14. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE SEPTEMBER 23, 2008, BOARD MEETING.**

**ACTION: ADOPTED**

**VOTE: Harrigan, Costigan, Clarey – Aye**

**15. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1**

**ACTION: ADOPTED**

**VOTE: Harrigan, Costigan, Clarey – Aye**

**16. SUBMITTED ITEMS**

**A. DEPARTMENT OF TRANSPORTATION'S CAREER EXECUTIVE ASSIGNMENT (CEA) PROPOSALS UNDER CONSIDERATION (Multiple Districts)**

Staff from PEGC requested a hearing to discuss multiple CEA proposals that were listed on the March 25, 2008, State Personnel Board Agenda. PEGC and CalTrans Director Will Kempton addressed the five-member Board on August 8, 2008. The Board took the matter under submission.

**NO ACTION**

**B. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST**

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

**NO ACTION**

**C. STATE EMPLOYEE MEDIATION PROGRAM HEARING**

SPB Staff presented different options for administering the State Employee Mediation Program in light of resource limitations. Interested parties were invited to comment.

**NO ACTION**

**17. ANNOUNCEMENT OF ACTION TAKEN ON EVIDENTIARY CASES**

On October 21, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

**VOTE: Harrigan, Costigan, Clarey – Aye**

**A. BOARD CASES SUBMITTED**

- (1) CASE NO. 04-1782A**  
Appeal from constructive medical suspension  
**Classification:** Correctional Counselor I  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected June 24, 2008.  
Transcripts prepared.  
Oral argument heard October 3, 2008, Sacramento.  
Case ready for decision by FULL Board.  
**NO ACTION**
- (2) CASE NO. 07-1490**  
Appeal from five percent reduction in salary for 12 months  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
Case taken under submission at the September 23, 2008 Board meeting.  
**NO ACTION**
- (3) CASE NO. 06-0562**  
Appeal from dismissal  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation  
Case taken under submission at the October 3, 2008 Board meeting.  
**NO ACTION**
- (4) CASE NO. 06-0817A**  
Appeal from dismissal  
**Classification:** Industrial Relations Counsel IV  
**Department:** Department of Industrial Relations  
Proposed decision rejected March 25, 2008.  
Transcript prepared.  
Oral argument set for June 9-10, 2008, Sacramento.  
Oral argument continued.  
Oral argument heard July 8, 2008, Sacramento.  
Case ready for decision by FULL Board.  
**NO ACTION**

**(5) CASE NO. 07-1295A**

Appeal from dismissal

**Classification:** Fire Apparatus Engineer-Paramedic

**Department:** Department of Forestry and Protection

Proposed decision rejected on May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(6) CASE NO. 06-2897E**

Appeal for whistleblower retaliation complaint

**Classification:** Staff Services Manager II

**Department:** California Earthquake Authority

Case taken under submission at the October 3, 2008

Board meeting.

**NO ACTION**

**B. ORAL ARGUMENTS**

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER**

**NONE**

**D. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS**

**PROPOSED DECISIONS AFTER HEARING**

**(1) CASE NO. 08-1615**

Appeal from denial of retaliation complaint

**Classification:** Supervisor of Academic Instruction,  
Career Executive Assignment

**Department:** Department of Corrections and  
Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed  
Decision.

**(2) CASE NO. 08-0549**

Appeal from non-punitive termination

**Classification:** Permanent Intermittent Teacher

**Department:** Department of Corrections and  
Rehabilitation

**ACTION:** The Board adopted the ALJ's Proposed  
Decision.

- (3) **CASE NO. 07-0846**  
Appeal from rejection during probation  
**Classification:** Fire Apparatus Engineer/Paramedic  
**Department:** Department of Forestry and Fire Protection  
**ACTION: The Board adopted the ALJ's Proposed Decision.**
- (4) **CASE NO. 08-0440**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: The Board rejected the ALJ's Proposed Decision.**
- (5) **CASE NO. 08-0257**  
Appeal from dismissal  
**Classification:** Parole Agent II  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: The Board adopted the ALJ's Proposed Decision.**
- (6) **CASE NO. 07-3855**  
Appeal from non-punitive termination and whistleblower retaliation complaint  
**Classification:** Highway Maintenance Worker  
**Department:** Department of Transportation  
**ACTION: The Board adopted the ALJ's Proposed Decision.**
- (7) **CASE NO. 08-0379**  
Appeal from two work days suspension  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: The Board adopted the ALJ's Proposed Decision.**
- (8) **CASE NO. 07-0041**  
Appeal from rejection during probation  
**Classification:** Registered Nurse  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: The Board adopted the ALJ's Proposed Decision.**



- (9) **CASE NO. 07-1884**  
Appeal from six month suspension  
**Classification:** Fish and Game Warden  
**Department:** Department of Fish and Game  
**ACTION:** The Board adopted the ALJ's Proposed Decision.

**PROPOSED DECISIONS AFTER BOARD REMAND**

NONE

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

**E. PETITIONS FOR REHEARING**

- (1) **CASE NO. 07-3421P**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: GRANTED**
- (2) **CASE NO. 07-1579P**  
Appeal from 30 calendar day suspension  
**Classification:** Associate Safety Engineer  
**Department:** Department of Industrial Relations  
**ACTION: DENIED**
- (3) **CASE NO. 07-0531NP**  
Appeal from withhold from certification  
**Classification:** Employment Program Representative  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: DENIED**
- (4) **CASE NO. 07-1749P**  
Appeal from automatic resignation  
**Classification:** Youth Correctional Officer (Permanent-Intermittent)  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: GRANTED**

- (5) **CASE NO. 05-3691RP**  
Appeal from dismissal  
**Classification:** Youth Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: DENIED**
- (6) **CASE NO. 07-3873P**  
Appeal from dismissal  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION: GRANTED**

**F. PENDING BOARD REVIEW**

- (1) **CASE NO. 06-2706PA**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted April 7, 2008.  
Transcript prepared.  
Oral argument set for August 8, 2008, Sacramento.  
Oral argument continued.  
Oral argument set for October 3, 2008, Sacramento.  
Oral argument continued.  
Oral argument set for November 3, 2008, Sacramento.
- (2) **CASE NO. 05-4338EA & 05-4339A**  
Appeal from denial of reasonable accommodation and constructive medical termination  
**Classification:** Registered Nurse  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected September 23, 2008.  
Transcripts prepared.
- (3) **CASE NO. 06-2737PA**  
Appeal from dismissal  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted April 22, 2008.  
Transcripts prepared.  
Oral argument set for August 8, 2008, Sacramento.

October 21, 2008

Oral argument continued.

Oral argument set for October 3, 2008, Sacramento.

Oral argument continued.

Oral argument set for November 3, 2008, Sacramento.

**(4) CASE NO. 05-3312BA**

Appeal for back pay determination

**Classification:** Correctional Captain

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected October 3, 2008.

Pending transcripts.

**18. ANNOUNCEMENT OF ACTION TAKEN ON NON-EVIDENTIARY CASES**

On October 21, 2008, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

**VOTE: Harrigan, Costigan, Clarey – Aye**

**A. WITHHOLD APPEALS**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

**(1) CASE NO. 07-3282N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**Issue:** Suitability; omitting pertinent information, furnishing inaccurate information and failure to comply with legal obligations.

**ACTION: DENIED**

**(2) CASE NO. 07-2330N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**Issue:** Suitability; personal relationships with inmates.

**ACTION: DENIED**

- (3) **CASE NO. 06-3875N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnishing inaccurate information, omitting pertinent information and negative employment history.  
**ACTION: DENIED**
- (4) **CASE NO. 07-2325N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; submitting false/inaccurate information during selection process.  
**ACTION: DENIED**
- (5) **CASE NO. 07-0920N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; Appellant admits to gang association.  
**ACTION: DENIED**
- (6) **CASE NO. 07-2355N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; failure to comply with legal obligations.  
**ACTION: DENIED**
- (7) **CASE NO. 07-2478N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information, furnishing inaccurate information and negative law enforcement contacts.  
**ACTION: DENIED**
- (8) **CASE NO. 07-2755N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative law enforcement contacts, omitting pertinent information and negative driving history.  
**ACTION: DENIED**

- (9) CASE NO. 07-2752N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative driving history, furnishing inaccurate information and omitting pertinent information.  
**ACTION: DENIED**
- (10) CASE NO. 07-3089N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information.  
**ACTION: DENIED**
- (11) CASE NO. 07-3397N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; omitting pertinent information.  
**ACTION: DENIED**
- (12) CASE NO. 07-1921N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; long-term drug use.  
**ACTION: DENIED**
- (13) CASE NO. 07-3206N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative driving history.  
**ACTION: DENIED**
- (14) CASE NO. 07-1120N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative employment history and termination from employment within one year of applying to the CDCR.  
**ACTION: DENIED**

- (15) **CASE NO. 07-2131N**  
**Classification:** Youth Correctional Counselor  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnishing inaccurate information, omitting pertinent information and negative work history.  
**ACTION: DENIED**
- (16) **CASE NO. 07-5467N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; does Appellant meet the CDCR's minimum education qualifications to participate in the exam process.  
**ACTION: GRANTED**
- (17) **CASE NO. 07-4136N**  
**Classification:** Custodian  
**Department:** Department of Mental Health  
**Issue:** Suitability; negative law enforcement contact and failure to disclose pertinent information.  
**ACTION: DENIED**
- (18) **CASE NO. 06-3819N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnishing inaccurate information, omitting pertinent information, an arrest/conviction record, negative law enforcement contacts and a negative driving history.  
**ACTION: DENIED**
- (19) **CASE NO. 07-1270N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; arrest/conviction record, negative driving history and negative employment history.  
**ACTION: DENIED**

- (20) **CASE NO. 07-2819N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; gang association and furnishing incomplete/inaccurate information.  
**ACTION: DENIED**
- (21) **CASE NO. 07-3084N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; arrest/conviction record, negative law enforcement contacts and negative driving history.  
**ACTION: DENIED**
- (22) **CASE NO. 07-5291N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omission of pertinent information, negative driving history and negative work history.  
**ACTION: DENIED**
- (23) **CASE NO. 07-5036N**  
**Classification:** Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and gang affiliation.  
**ACTION: GRANTED**
- (24) **CASE NO. 07-5272N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; firearms prohibition.  
**ACTION: DENIED**
- (25) **CASE NO. 07-6023N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; negative driving history and failure to disclose complete and accurate information.  
**ACTION: DENIED**

- (26) **CASE NO. 07-5267N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; personal relationships with inmates.  
**ACTION: DENIED**
- (27) **CASE NO. 07-5090N**  
**Classification:** Environmental Planner (Archaeology)  
**Department:** Department of Transportation  
**Issue:** Suitability; whether Appellant met the minimum education qualifications at the time of the exam.  
**ACTION: GRANTED**
- (28) **CASE NO. 08-0984N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative employment history and termination for cause within one year of application.  
**ACTION: DENIED**
- (29) **CASE NO. 07-2068N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; whether Appellant's name was properly withheld for two DUI convictions.  
**ACTION: GRANTED**
- (30) **CASE NO. 07-5350N**  
**Classification:** Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; failure to provide complete and accurate information and negative law enforcement contact.  
**ACTION: DENIED**
- (31) **CASE NO. 07-1894N**  
**Classification:** Correctional Counselor I  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; gang affiliation.  
**ACTION: DENIED**



- (32) **CASE NO. 07-6051N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; failure to comply with his financial obligations and negative work history.  
**ACTION: DENIED**
- (33) **CASE NO. 06-3915N**  
**Classification:** Associate Governmental Program Analyst  
**Department:** Department of Health Services  
**Issue:** Suitability; Whether Appellant met the minimum experience qualifications to participate in the AGPA exam process.  
**ACTION: GRANTED**
- (34) **CASE NO. 06-3749N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability, hard drug use within ten years of application.  
**ACTION: DENIED**
- (35) **CASE NO. 07-4443N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnishing inaccurate information and an arrest/conviction record.  
**ACTION: DENIED**
- (36) **CASE NO. 06-3844N**  
**Classification:** Associate Governmental Program Analyst  
**Department:** Department of Social Services  
**Issue:** Suitability; whether Appellant met the minimum experience qualifications at the time of the exam.  
**ACTION: GRANTED**
- (37) **CASE NO. 07-1311N**  
**Classification:** Correctional Officer/Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; two Failures to Appear within the last three years.  
**ACTION: DENIED**

- (38) **CASE NO. 08-1277N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative employment history.  
**ACTION: DENIED**
- (39) **CASE NO. 07-2816N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability: Welfare Fraud.  
**ACTION: DENIED**
- (40) **CASE NO. 06-3265N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitting pertinent information and a negative employment history.  
**ACTION: DENIED**
- (41) **CASE NO. 07-4046N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**Issue:** Suitability; failure to disclose pertinent information, negative law enforcement contacts and illegal drug use.  
**ACTION: DENIED**
- (42) **CASE NO. 07-4352N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; furnishing inaccurate information.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

**CASES HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 06-1542N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**

- (2) **CASE NO. 07-1287N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**ACTION: DENIED**
- (3) **CASE NO. 06-2740N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
- (4) **CASE NO. 06-0989N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
- (5) **CASE NO. 06-3229N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**ACTION: DENIED**
- (6) **CASE NO. 07-1224N**  
**Classification:** Cadet  
**Department:** California Highway Patrol  
**ACTION: DENIED**

**DISMISSED CASES**

- (1) **CASE NO. 07-3108N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DISMISSED**

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT  
ISSUE COMPLAINTS**

**NONE**

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,  
VOIDED APPOINTMENT APPEALS**

**RULE 211**

**NONE**

**RULE 212**

**NONE**

**VOIDED APPOINTMENT**

**NONE**

**E. REQUEST TO FILE CHARGES CASES, PETITION FOR REHEARING**

**REQUEST TO FILE CHARGES CASES**

**(1) CASE NO. 06-2866N**

**Classification:** A member of the public.

**Department:** California Department of Rehabilitation

**Issue:** The charging party requests to file charges against the charged parties for violations of various subsections of Government Code section 19572.

**ACTION: DENIED**

**(2) CASE NO. 07-1178N**

**Classification:** Hospital Police Lieutenant

**Department:** California Department of Mental Health

**Issue:** The charging party requests to file charges for violations of various subsections of Government Code section 19572.

**ACTION: DENIED**

**19. ANNOUNCEMENT OF ACTION TAKEN ON NON-HEARING AGENDA ITEMS**

**NO ACTION**

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**20. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**(1) CHIEF, WOMEN, INFANTS AND CHILDREN (WIC) NUTRITION DIVISION**

The California Department of Public Health proposes to revise the existing CEA allocation. The Chief, WIC Nutrition Division, is responsible for program planning, policy formulation, and program evaluation and organization for approximately 15 nutrition programs. This position is responsible for the development and implementation of processes and procedures to meet all federal and state requirements for nutrition programs.

**(2) ASSISTANT DEPUTY DIRECTOR, AUDITS AND INVESTIGATIONS**

The Department of Health Care Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director, Audits and Investigations, is responsible for managing and directing statewide auditing and investigation activities to preserve the integrity of California's Medi-Cal program. This position will develop and implement policies and practices that achieve Audits and Investigations' goals of improving efficiency, economy, and effectiveness of the Department and the programs it administers.

**(3) CHIEF, COMPLIANCE REVIEW DIVISION**

The Employment Development Department proposes to abolish the above existing CEA allocation. The Program Review Branch is consolidating the Compliance Review Division (CRD) into the Audit and Evaluation Division. This

consolidation will downgrade CRD to an office as a division-level can no longer be justified or supported.

**(4) CHIEF, AUDIT AND EVALUATION DIVISION**

The Employment Development Department proposes to revise the above existing CEA allocation. The Chief, Audit and Evaluation Division, has a critical role in the development of program policy relating to the performance of audits and evaluations, which ultimately have a statewide impact on EDD's programs. The Chief, Audit and Evaluation Division will assume responsibility for the newly created Compliance Review Office.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**(1) DIRECTOR OF EMERGING PLANT PESTS AND DISEASES**

The Department of Food and Agriculture's request to allocate the above position was approved effective October 3, 2008.

**(2) DEPUTY DIRECTOR, CONSERVATION PLANNING AND WATER RESOURCES DIVISION**

The California Department of Fish and Game's request to allocate the above position was approved effective October 3, 2008.

**(3) DEPUTY DIRECTOR, WILDLIFE AND FISHERIES MANAGEMENT DIVISION**

The California Department of Fish and Game's request to allocate the above position was approved effective October 3, 2008.

**(4) DIRECTOR, REGULATIONS AND POLICY MANAGEMENT**

The California Department of Corrections and Rehabilitation has withdrawn the above request.

**(5) CHIEF OF PROGRAM ACCOUNTABILITY**

The California Department of Forestry and Fire Protection's request to allocate the above position was approved effective October 3, 2008.

- (6) ASSISTANT DEPUTY DIRECTOR**  
The California Department of Developmental Services' request to allocate the above position was approved effective October 3, 2008.
- (7) VICE PRESIDENT OF PROGRAMMING**  
The California Department of Food and Agriculture's request to allocate the above position was approved effective October 3, 2008.
- (8) VICE PRESIDENT OF OPERATIONS**  
The California Department of Food and Agriculture's request to allocate the above position was approved effective October 3, 2008.
- (9) ASSISTANT PROGRAM BUDGET MANAGER**  
The California Department of Finance's request to allocate the above position was approved effective October 3, 2008.
- (10) REGIONAL COMMUNITY PROGRAM ADMINISTRATOR (REGIONS 1, 2, 3, 4, 5, 6, 7) (7 POSITIONS)**  
The California Department of Corrections and Rehabilitation's request to allocate the above position was approved effective October 3, 2008.
- (11) CHIEF DEPUTY, FIELD OPERATIONS**  
The California Department of Corrections and Rehabilitation's request to allocate the above position was approved effective October 3, 2008.
- (12) CHIEF, HEARING OPERATIONS, NORTHERN REGION**  
The California Department of Corrections and Rehabilitation's request to allocate the above position was approved effective October 3, 2008.
- (13) CHIEF, HEARING OPERATIONS, SOUTHERN REGION**  
The California Department of Corrections and Rehabilitation's request to allocate the above position was approved effective October 3, 2008.
- (14) SPECIAL ADVISOR, TRANSITION TEAM**  
The Department of Corrections and Rehabilitation, Plata Medical Services' request to allocate the above position was approved effective October 3, 2008.

**(15) CHIEF, BUDGET & FISCAL ANALYSIS BRANCH**

The Department of Motor Vehicles' request to allocate the above position was approved effective October 3, 2008.

**(16) CHIEF, FINANCIAL SERVICES BRANCH**

The Department of Motor Vehicles' request to allocate the above position was approved effective October 3, 2008.

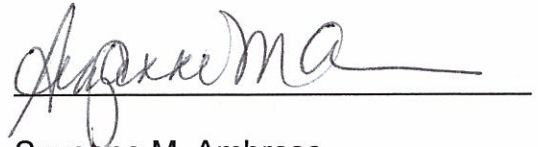
**ACTION: NOTED**

**ADJOURNMENT**



I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on December 2, 2008.

VOTE: Harrigan, Costigan, Tom, Sheehan, Clarey – Aye

A handwritten signature in dark ink, appearing to read "Suzanne M. Ambrose", is written over a horizontal line.

Suzanne M. Ambrose  
Executive Officer  
California State Personnel Board